

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ATHENS DIVISION**

RODNEY SHEPARD,	:	
	:	
Petitioner,	:	
	:	
v.	:	Case No. 3:21-cv-00105-CAR-CHW
	:	
MARTY ALLEN, Warden,	:	Proceedings Under 28 U.S.C. § 2254
	:	Before the U.S. Magistrate Judge
	:	
Respondent.	:	

ORDER

Petitioner Rodney Shepard has submitted a letter, which this Court construes as a motion, asking for an order directing prison officials to give him access to the law library. (Doc. 13). Plaintiff alleges that he has asked to visit the prison law library but has not been allowed to go. (*Id.*) “Providing access to law libraries is one way of assuring the constitutional right of access to the courts.” *Akins v. U.S.*, 204 F. 3d 1086, 1090 (citing *Lewis v. Casey*, 518 U.S. 343, 351 (1996)). However, “[t]he mere inability of a prisoner to access the law library is not, in itself, an unconstitutional impediment” to Plaintiff’s access to court. *Akins*, 204 F.3d at 1090. Instead, Plaintiff must show an injury from his alleged lack of law library access. *See Al-Amin v. Smith*, 511 F.3d 1317, 1332 (11th Cir. 2008) (setting out that a prisoner must allege actual injury to a qualified legal action). To show actual injury, “a plaintiff must provide evidence of such deterrence, such as a denial or dismissal of a direct appeal, habeas petition, or civil rights case that results from actions of prison officials.” *Wilson v. Blankenship*, 163 F.3d 1284, 1290-91 (11th Cir.1998); see also *Bass v. Perrin*, 170 F.3d 1312, 1320 n.13 (11th Cir. 1999) (citing *Wilson*, 163 F.3d at 1290) (stating “plaintiffs must show ‘actual injury’- in other words, the plaintiffs must

demonstrate that they had a legitimate claim that they were unable to pursue due to the prison's restrictions").

Plaintiff has not shown that a lack of law library access has caused him to be unable to pursue a legitimate claim. Plaintiff's motion for an order directing the prison to allow him access to the law library is **DENIED**.

SO ORDERED, this 27th day of January, 2022.

s/ Charles H. Weigle
Charles H. Weigle
United States Magistrate Judge